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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,111	07/27/2000	PASCAL COOREMAN	032326-073	5591

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EXAMINER

KIM, AHSHIK

ART UNIT PAPER NUMBER

2876

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/601,111	Applicant(s) COOREMAN ET AL.	
	Examiner Ahshik Kim	Art Unit 2876	<i>am</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/28/03 (Appeal Brief).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-8 is/are rejected.
- 7) ☒ Claim(s) 2-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Appeal Brief

1. Receipt is acknowledged of the Appeal Brief filed on November 28, 2003.

5

Finality Withdrawn

2. In careful review of the Appellant's appeal brief, especially the summary of invention and subsequent argument section, the finality of the office action (mailed on February 26, 2003) is withdrawn. Accordingly, claims 1-8 remain for examination.

10

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

15

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20

4. Claims 1 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (US 5,729,004, as cited by applicant) in view of Anderl et al. (US 4,816,654) and Kimura (US 5,237,609).

25

Kim et al disclose a data communication device and method of a smart card comprising:
a microprocessor 61,62 and contacts (input/output terminals); a communication device hard
wired between the contacts and the microprocessor and operating according to an asynchronous
communication protocol with checking of integrity of signal transmitted between the

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microprocessor and a terminal 30 (I/O device) (see figure 3 and col. 10, line 40). (see figures 3-10, col. 4, line 1+ and col. 7, line 16+).

Kim further teaches that the terminal transmits a signal to the card regarding whether the integrity of the data, including if the data transmitted has any errors via various parity checks.

5 However, it is not specifically stated that the communication device of the card responds to the terminal with an item of information.

It would have been notoriously obvious to one of ordinary skill in the art at the time the invention was made to design the card to respond to an integrity signal transmitted by the terminal. Anderl supports this concept, as it shows a memory card 10 resending data to a
10 terminal after an initial attempt to send data to a reader 15 resulted in the reader transmitting an “error-in-data-integrity” signal or “unsuccessful-data-transmittance” signal (see col. 10, lines 38-46 and col. 11, lines 36-53). It would have been known to have the card transmit data in response to integrity signal from the terminal, for reasons as simple as automatically resending the data to the terminal or requesting data to help correct the integrity of the data. Such known
15 reasons are also evidenced by the applicants in page 6 of paper number 6. Since the communication device is the card’s means of communication any data to and from the terminal, it would be obvious that, while the microprocessor of the card controls the functions of all transmittance and reception of information, the communication device actually returns data to the terminal.

20 Kim/Anderl fail to specifically teach or fairly suggest that the components performing security/error check is in the form of hard-wired circuit.

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Kimura teaches a smart-card 100 interfacing with external terminal unit 200 comprising a security control circuitry 51. The circuitry 51 is in the form of hard-wired circuits (col. 3, lines 14-32; col. 8, lines 17-28).

In view of Kimura's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to modify smart card structure such that a components of the card can be hard-wired circuit in order to improve security feature for the card. By observing power usage, or with similar means, the content of the memory in smart card can be accessed, resulting in unauthorized use of the card. Accordingly, protecting important/confidential information in a hard-wired circuitry would have been an obvious improvement one ordinary skill in the art can contemplate.

Allowable Subject Matter

5. Claims 2-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: although the prior art discloses a smart card that is operating in asynchronous protocol, the prior art of record fails to teach or fairly suggest in combination to disclose all the steps operational process, which includes determining each character from a series of pulse signals, analyzing the characters of the command and supplying a code, etc.

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Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Levy et al. (US 6,092,147) discloses a smart card comprising a hardwired circuitry. Applicant is respectfully suggested to carefully review these references.


- 5 II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

10 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly to the Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

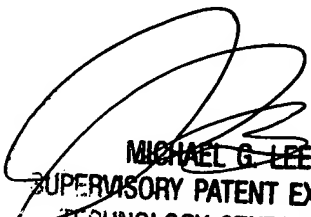
Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

15 *All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

20 Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

25 

Ahshik Kim
Patent Examiner
Art Unit 2876
March 26, 2004

30 
MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800